REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

At the outset, the Applicants wish to thank the examiners for the courtesy shown to their representative during a personal interview on July 8, 2010. The participants were Examiner J. Amirmokri, SPE P. Edouard, and the undersigned. The discussion focused on claim 69 as amended above and Rey et al. "RTP payload Format for 3GPP Timed Text, draft-rey-avt-3gpp-timed-text-01.txt," IETF Internet Draft, September 2003. A summary of the substance of the interview is included in the comments below.

During the interview, the examiners stated that above amended claim 69 appears to overcome the teachings of Rey et al. but that further consideration and searching would be necessary.

It is noted that claim 69 is amended for clarity and antecedent basis purposes, and the other independent claims (claims 88, 89 and 97) are amended herein similarly to claim 69. Where needed, dependent claims are amended to be consistent with the changes to the independent claims.

During the interview, it was noted that Rey et al. disclose separate modes involving (1) out-of-band signaling and (2) in-band signaling. It was noted that these modes are disclosed as being used separately and the reference does not disclose using them together in any fashion. In Rey et al., the out-of-band signaling mode is by definition a mode which uses an "initialization packet" and an "update packet" for the formatting information. These packets do not include text. In Rey et al., out-of-band transmission means that the text sample format descriptions of all

text samples occurring in the session are transmitted separately from the actual text samples, i.e., at a different point in time (the "initialization phase") as the text samples using a different session. In Rey et al., in-band transmission by definition means that the text sample (format) descriptions are sent within the very same packets carrying the text samples, i.e., text sample (format) descriptions associated with particular text samples are sent within the very same packets that contain the particular text samples. Rey et al. disclose that when the format description is conveyed in-band (i.e., in the same data packet as its associated text sample), a separate format description is included in the data packet for each text sample (see Rey section 4.3, lines 1-5). Rey discloses at page 14, lines 3-4 "All SIDX values present in the SPLDESC field of an RTP packet MUST be present in at least one of the text samples in the payload." Rey discloses at page 15 that "These rules ensure that received packets can be decoded without dependencies upon other packets." This portion at page 15 means that Rey does not employ "inter-packet" checking for SIDX values. In summary, Rey et al. disclose separate modes of (1) in-band signaling meaning a text sample format description is provided within the very same data packet as the associated text; or (2) out-of-band signaling meaning the text sample format descriptions are provided in non-data packets in an initialization phase, but does not discuss any technique for using these modes together.

On the other hand, the present claimed invention includes a new type of in-band signaling wherein a text sample format description may not only be provided in another text sample in the present data packet but may also be provided in an earlier data packet in the same communication session in which the present data packet is being sent. The invention provides

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for both "intra-packet" checking of the present data packet but also "inter-packet" checking of the earlier data packets in the session.

It was particularly noted that the use of inter-packet" checking is different from both of the above modes in the Rey et al. reference. Rey et al. are silent as to "inter-packet" checking and *per force* does not teach or suggest both "intra-packet" checking of the present data packet but also "inter-packet" checking of the earlier data packets in the session.

Thus, it was noted that Rey et al. do not disclose at least the operation of "determining whether a text sample format description for a particular text sample to be added to at least one data packet is already included in the at least one data packet for another text sample within the at least one data packet, wherein the at least one data packet is to be transmitted to the client during a given communication session," in combination with the operation of "if the text sample format description for said particular text sample to be added to the at least one data packet is not already included in the at least one data packet, determining whether the text sample format description for said particular text sample has already been provided to the client for another earlier text sample by being included in a previously transmitted data packet in said communication session," nor the other operations recited in claim 69 which are based on the determining operations.

It was noted that Ott has not been cited for anything relevant to the above subject matter of claim 69.

Accordingly, it was argued that Rey et al. does not teach or suggest the subject matter defined by claim 69. Independent claims 88, 89, and 97 similarly recite distinguishing subject matter of method claim 69; claim 88 is an apparatus claim corresponding to claim 69, and while

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claim 69 is directed to the transmitting side, claims 89 and 97 are directed to the receiving side. Therefore, allowance of claims 69, 88, 89, and 97 and all claims dependent therefrom is deemed to be warranted.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

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